

## **TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT**

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Mark A. Kutney, AICP, Development Services Director  
954-797-1101

**SUBJECT:** Ordinance  
LA-01-2A / Future Land Use Map Amendment

### **TITLE OF AGENDA ITEM:**

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING FOR TRANSMITTAL, APPLICATION LA 01-2A AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP TO PROVIDE A COMMERCIAL LAND USE CLASSIFICATION TO A PARCEL OF LAND RECENTLY IDENTIFIED AS BEING WITHIN THE TOWN OF DAVIE BOUNDARIES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

### **REPORT IN BRIEF:**

This request is to amend the Town of Davie Future Land Use Map of the Comprehensive Plan to include a 20.89 acre parcel of land located at the southeast intersection of Stirling Road and University Drive. This parcel is currently identified with a Commercial land use classification on the Broward County Land Use Map and the requested amendment would maintain the Commercial Land Use Classification.

The subject parcel, although identified as within unincorporated Broward County, is actually within the Town of Davie municipal boundary. This parcel has technically been within the Town since 1984. In 1984, Section 1, Chapter 84-420, Laws of Florida (Senate Bill 1139) was approved by the Florida Legislature. This Bill, also known as the Hacienda Village Bill, revised the legal description of the Town boundaries to include Hacienda Village. At the same time, the Bill also included the subject parcel of land within the Town's revised municipal boundary legal description.

The Broward County Attorney's office brought this to the Town's attention when an application to rezone the property was brought through Broward County and a subsequent review of the legal description revealed the boundary discrepancy.

Technically, this request is not considered a change in land use, but due to the requirements of State Statutes 163.3184, a land use plan amendment is the appropriate mechanism by which to recognize the parcel of land as within the Town. This request is an administrative function recognizing the parcel as being within the Town's municipal boundaries, as opposed to an actual change in land use from one classification to another. The classification of the land is now Commercial and the Town's amendment would maintain that same commercial land use classification.

Upon approval of transmittal to the Department of Community Assistance and a positive review by DCA and all other required agencies (Department of Transportation, South Florida Regional Planning Council, Department of Environmental Protection, and South Florida Water

Management District), the amendment will be brought back before Town Council for final approval. Upon final approval by the Town and adoption of the Ordinance, recertification of the Town's Future Land Use Map by Broward County will be required.

**PREVIOUS ACTIONS:** None.

**CONCURRENCES:** The Local Planning Agency recommended approval at its July 11, 2001 meeting (motion carried 4-1, with Chair Stahl opposed).

**FISCAL IMPACT:**

Has request been budgeted?      yes    no

    If yes, expected cost: \$

        Account Name:

    If no, amount needed: \$

        What account will funds be appropriated from:

Additional Comments:

**RECOMMENDATION(S):** Motion to approve.

**Attachment(s):** Ordinance, Attachment A, Subject Site Map, Aerial, Future Land Use Map.

ORDINANCE \_\_\_\_\_

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING FOR TRANSMITTAL, APPLICATION LA 01-2A AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP TO PROVIDE A COMMERCIAL LAND USE CLASSIFICATION TO A PARCEL OF LAND RECENTLY IDENTIFIED AS BEING WITHIN THE TOWN OF DAVIE BOUNDARIES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie desires to amend the Comprehensive Plan to include a parcel of land recently identified as being within the Town of Davie boundaries, on the Future Land Use Map; and

WHEREAS, the Local Planning Agency of the Town of Davie held a public hearing on July 11, 2001, noticed in accordance with section 163.3184 (15), Florida Statutes; and

WHEREAS, the Town Council of the Town of Davie held public hearings on July 18, 2001; and on the date of adoption of this Ordinance, noticed in accordance with section 163.3184 (15), Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. That the Future Land Use Map of the Comprehensive Plan heretofore adopted by the Town Council be and the same is hereby amended according to Exhibit "A", attached hereto and made a part hereof to provide a land use classification of Commerce/Office to said parcel of land.

SECTION 2. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of

competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 4. The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with section 163.3184, F.S and upon recertification of the Future Land Use Map by the Broward County Planning Council.

PASSED ON FIRST READING THIS\_\_\_\_DAY OF\_\_\_\_\_, 2001

PASSED ON SECOND READING THIS\_\_\_\_DAY OF\_\_\_\_\_, 2001

\_\_\_\_\_

MAYOR/COUNCILMEMBER

ATTEST:

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2001

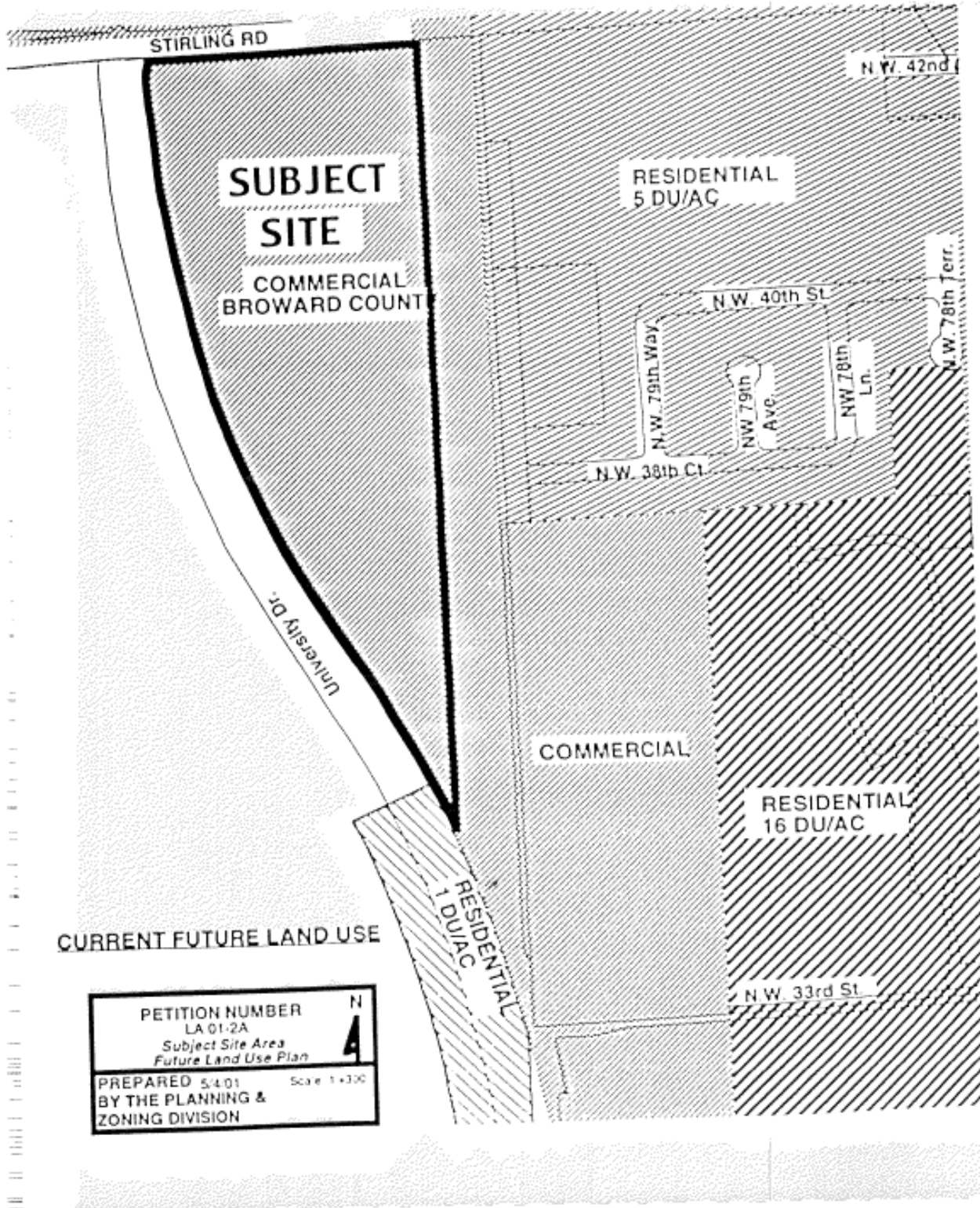
## EXHIBIT A

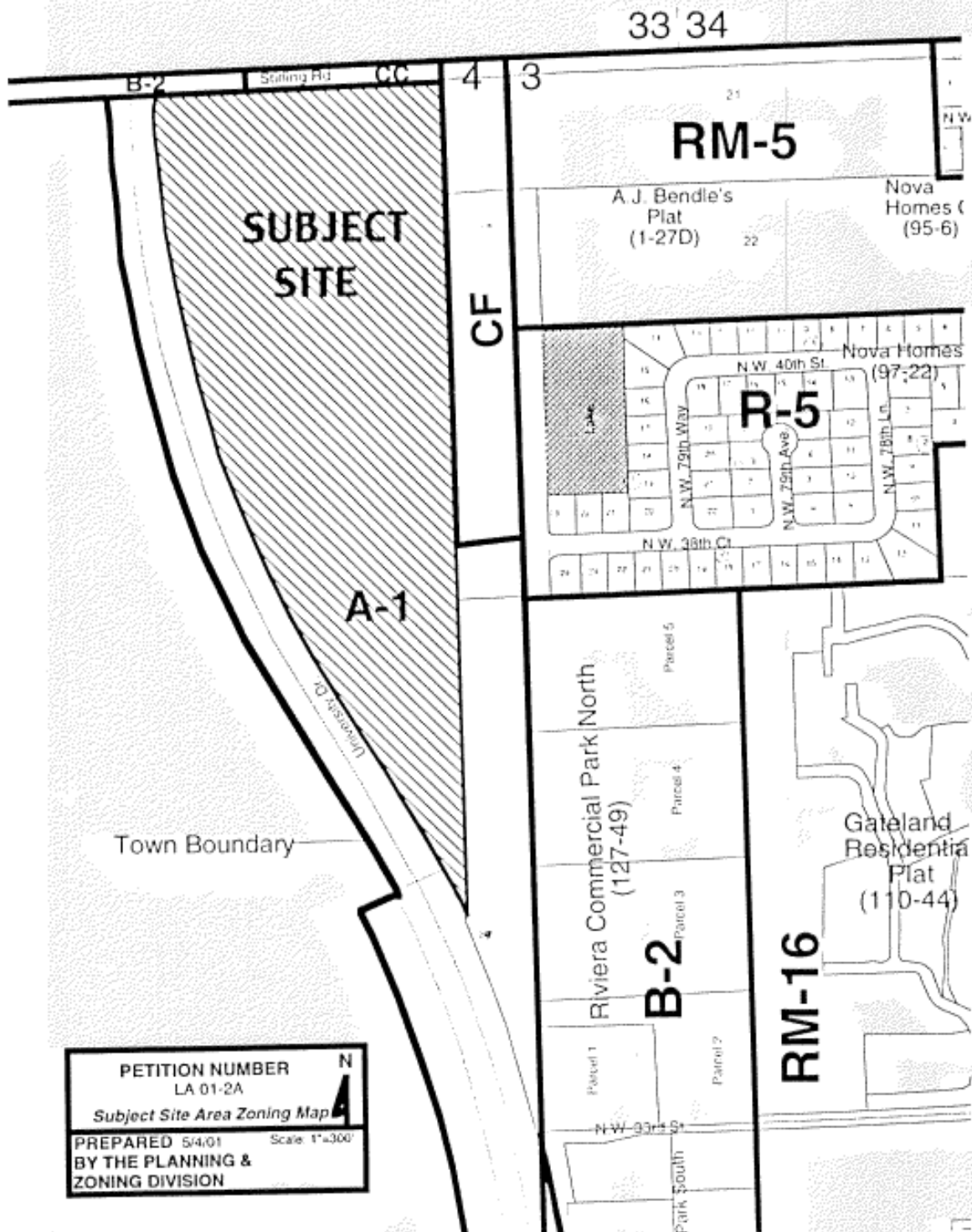
### LEGAL DESCRIPTION

A PORTION OF TRACTS 1, 2, 3, 4, 29, 30 AND 31 IN SECTION 4, TOWNSHIP 51 SOUTH, RANGE 41 EAST, OF THE "EVERGLADES SUGAR AND LAND CO. SUBDIVISION" AS RECORDED IN PLAT BOOK 2 PAGE 75 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

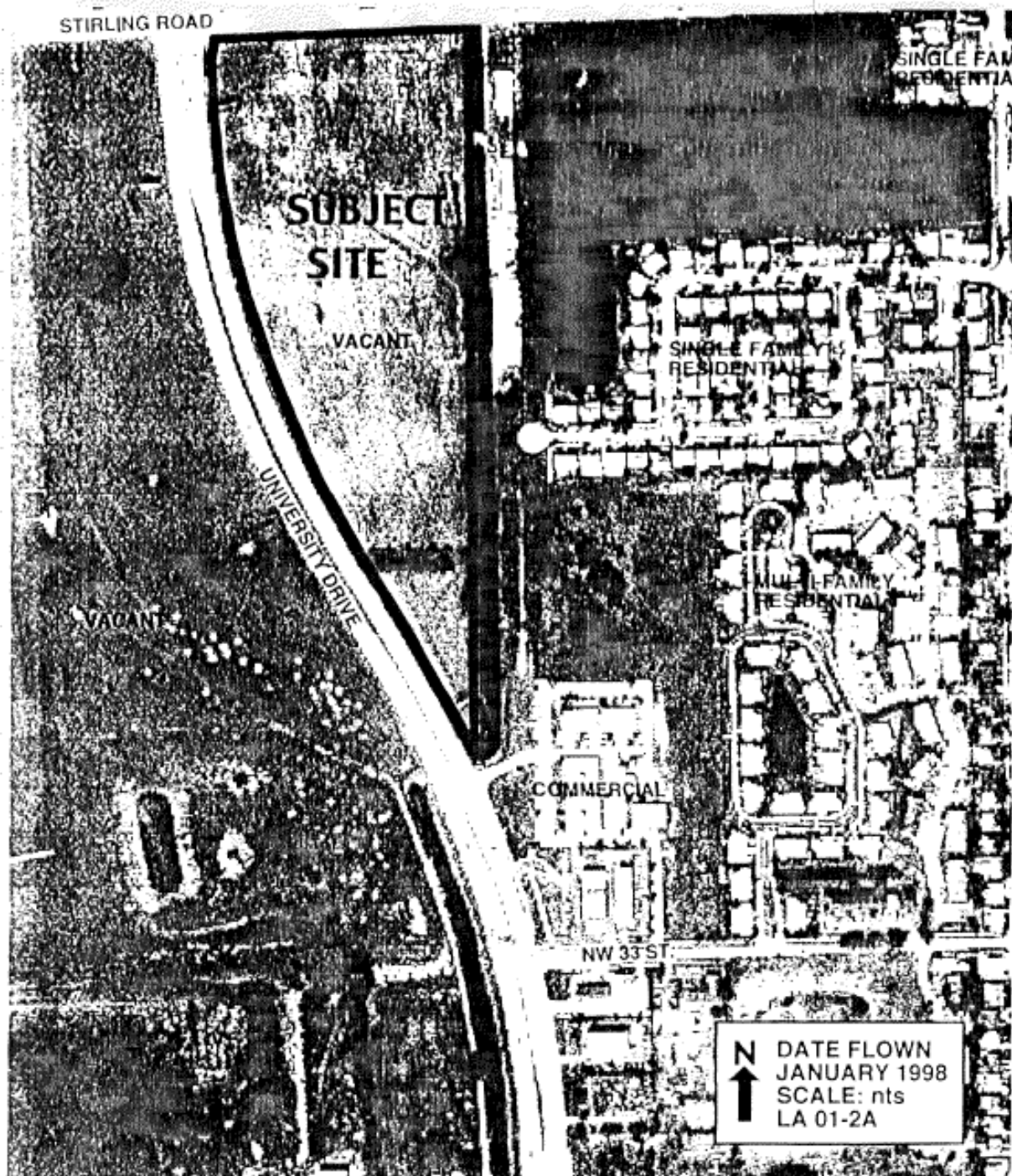
COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 4; THENCE, ALONG THE NORTH LINE OF THE NORTHEAST ONE-QUARTER (N.E. 1/4) OF SAID SECTION, SOUTH 87°46'51" WEST (BEARING BASIS) 150.01 FEET TO A LINE PARALLEL WITH AND 150.00 FEET WEST OF THE EAST LINE OF THE NORTHEAST ONE-QUARTER (N.E. 1/4) OF SAID SECTION; THENCE, ALONG SAID PARALLEL LINE AND ALONG THE WEST LINE OF THE 150 FOOT RESERVATION SHOWN ON SAID PLAT, SOUTH 01°26'34" EAST 50.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID PARALLEL LINE AND THE WEST LINE OF SAID RESERVATION, SOUTH 01°26'34" EAST 2047.28 FEET TO A POINT ON A 2997.05 FOOT RADIUS NON-TANGENT CURVE CONCAVE TO THE SOUTHWEST WHOSE RADIUS POINT BEARS SOUTH 66°23'05" WEST, SAID POINT LYING ON THE EASTERLY RIGHT-OF-WAY LINE OF UNIVERSITY DRIVE AS RECORDED IN RIGHT-OF-WAY MAP BOOK 12 PAGE 39 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, AND AS MONUMENTED; THE FOLLOWING THREE (3) COURSES RUN ALONG SAID EASTERLY RIGHT-OF-WAY LINE; (1) NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 08°19'29" AN ARC DISTANCE OF 435.45 FEET TO A POINT OF TANGENCY; (2) NORTH 31°56'23" WEST 203.32 FEET TO A POINT OF CURVATURE OF A 2804.79 FOOT RADIUS CURVE CONCAVE TO THE EAST; (3) NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 30°30'01" AN ARC DISTANCE OF 1493.08 FEET TO A POINT OF COMPOUND CURVATURE OF A 50.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHEAST; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 89°13'13" AN ARC DISTANCE OF 77.86 FEET TO A POINT OF TANGENCY ON A LINE PARALLEL WITH AND 50.00 FEET SOUTH OF THE NORTH LINE OF THE NORTHEAST ONE-QUARTER (N.E. 1/4) OF SAID SECTION; THENCE, ALONG SAID PARALLEL LINE, NORTH 87°46'51" EAST 634.95 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING, AND BEING IN BROWARD COUNTY, FLORIDA AND CONTAINING 909,925 SQUARE FEET (20.889 ACRES) MORE OR LESS.









STIRLING ROAD

SUBJECT  
SITE

VACANT

UNIVERSITY DRIVE

VACANT

SINGLE FAM  
RESIDENTIAL

SINGLE FAMILY  
RESIDENTIAL

MULTI-FAMILY  
RESIDENTIAL

COMMERCIAL

NW 33 ST



DATE FLOWN  
JANUARY 1998  
SCALE: nts  
LA 01-2A